

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

George Hill,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
Mount Sinai Hospital Medical	)	
Center, and Dr. Stuart Kiken	)	
	)	
Defendant.	)	
	)	
and	)	
	)	
Johnnie Lewis, D.P.M., and	)	
Nadira Alkhan, M.D.,	)	
	)	
Respondents in Discovery.	)	

DECLARATION OF  
RICHARD G. BERGERON

1. I am a Senior Attorney in the General Law Division, Office of the General Counsel, Department of Health and Human Services (the "Department"). I am familiar with the official records of administrative tort claims maintained by the Department as well as with the system by which those records are maintained.

2. The Department has a Claims Branch that maintains in a computerized database a record of administrative tort claims filed with the Department, including those filed with respect to federally supported health centers that have been deemed to be eligible for Federal Tort Claims Act malpractice coverage.

3. As a consequence, if a tort claim had been filed with the Department with respect to Access Community Health Network, its approved delivery sites, or its employees or qualified contractors, a record of that filing would be maintained in the Claims Branch's database.

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4. I caused a search of the Claims Branch's database to be conducted and found no record of an administrative tort claim filed by George Hill or his authorized representative relating to the health center or Dr. Stuart Kiken.

5. I have also reviewed official agency records and determined that Access Community Health Network was deemed eligible for Federal Tort Claims Act malpractice coverage effective July 1, 1997, and that its coverage has continued without interruption since that time. A copy of the notification by an Assistant Surgeon General, Department of Health and Human Services, to Access Community Health Network, is attached to this declaration as Exhibit 1.

6. Official agency records further indicate that Dr. Stuart Kiken was an employee of Access Community Health Network at all times relevant to the Plaintiff's claim.

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. § 1746.

Dated at Washington, D.C., this 10<sup>th</sup> day of September, 2007.

  
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RICHARD G. BERGERON  
Senior Attorney, Claims and Employment Law Branch  
General Law Division  
Office of the General Counsel  
Department of Health and Human Services